

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

IN RE GENERAL ELECTRIC COMPANY
ERISA LITIGATION

No. 06-CV-315
(GLS/DRH)
(Lead Case)

**NOTICE OF SECOND MOTION
TO DISMISS THE ENTIRE COMPLAINT
FOR FAILURE TO STATE A CLAIM**

MOTION BY: General Electric Company, GE Asset Management Incorporated, and the following 69 Individual Defendants:¹
Ameen, Philip D.; Beckmann, Barbara A.; Bolton, Eugene K.; Brown, Christopher D.; Carlson, David B.; Caruso, Lawrence S.; Cary, William H.; Cash, Jr., James I.; Castell, William M.; Chang, Alfredo; Colonna, Paul; Conaty, William J.; Conway, Tom; Cook, L. G.; Cosgrove, Michael J.; Delaney, Mark; Fitzsimons, Shane; Fresco, Paolo; Fudge, Ann M.; Gonzalez, Claudio X.; Gorman, M. J.; Gould, Eric H.; Harris, Wiley L.; Healey, William M.; Herlihy, Robert; Hopkinson, Brian; Immelt, Jeffrey R.; Janki, Daniel; Jung, Andrea; Karlic, Kathryn D.; Krakowiak, Mark; Krenicki, Jr., John; Lafley, Alan G.; Lane, Robert W.; Langone, Kenneth G.; LaPorta, Jeanne M.; Larsen, Ralph S.; Layman, Ralph R.; Lazarus, Rochelle B.; Leonard, T.F.; Lewis, Alan M.; Lucas, William J.; MacDougall, Robert A.; Malone, Edward H.; McNealy, Scott G.; Meyer, Lee; Michelson, Gertrude G.; Myers, John H.; Nunn, Sam; Passmore, Jonathan L.; Penske, Roger S.; Peters, Susan P.; Pressman, Ronald R.; Rhodes, Frank H. T.; Rogers, Gary, L.; Rowe, Allan O.; Samuels, John M.; Saperstein, Marc J.; Sherin, Keith S.; Sigler, Andrew C.; Studer, Judith A.; Swieringa, Robert J.; Torey, Donald W.; Wald, J.; Walker, John J.; Warner, Douglas A.; Wehner, Diane M.; Welch, John F.; and Wright, Robert C.

¹ Those individuals who have not been served and do not join this motion are Silas S. Cathcart (deceased), Dennis D. Dammerman, Lawrence R. Johnston, John D. Lockton (deceased), and Robert E. Pfenning (deceased).

DATE, TIME, AND PLACE:	Date and Time: To Be Determined ² 509 James T. Foley United States Courthouse 445 Broadway Albany, NY 12207-2936
SUPPORTING PAPERS:	Declaration of Christian J. Pistilli Memorandum of Law
RELIEF SOUGHT:	Dismissal of the entire Complaint under Federal Rule of Civil Procedure 12(b)(6)

² By its Order of August 3, 2006, the Court extended, until January 15, 2007, the time for Defendants to answer or otherwise move with respect to the consolidated and amended complaint. Because that date was a federal holiday, Defendants are filing this motion and two other motions to dismiss on the next business day, January 16, 2007. In its August 3, 2006 Order, the Court also extended the time for Plaintiffs to respond to any such motions until ninety (90) days after filing, which would make such oppositions due on April 16, 2007, but did not set a time for Defendants to reply thereto. Plaintiffs have consented to Defendants' having ninety (90) days to file their reply memoranda. After Plaintiffs have filed their oppositions, Defendants will move the Court to set a date for the filing of Defendants' reply memoranda, and, in light of that date, will set a return date for this motion and the two accompanying motions to dismiss.

Dated: January 16, 2007

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/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of January, 2007, I caused to be electronically filed the foregoing Notice of Motion and all supporting Papers referenced therein with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

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Dated: January 16, 2007

/s/ JONATHAN M. LANDY